

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

Donjuarell Yowell,

Plaintiff,

v.

Case No. 13-10029

Raymond Booker, et al.,

Honorable Sean F. Cox  
Magistrate Judge Paul Komives

Defendants.

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**ORDER**  
**ACCEPTING AND ADOPTING REPORT & RECOMMENDATION**

This is a prisoner civil rights case. Plaintiff Donjuarell Booker alleges that Defendant Raymond Booker, and others, were deliberately indifferent to his serious medical needs in violation of his Eighth Amendment rights. The Court referred the matter to Magistrate Judge Paul J. Komives for all pretrial matters pursuant to 28 U.S.C. § 636(b)(1)(B). (Doc. #10).

On August 14, 2013, defendants Booker, Gause, Chapman and Simon (the “MDOC Defendants”) filed their motion for summary judgment. (Doc. #38). The MDOC Defendants argued that Plaintiff failed to exhaust his administrative remedies as required by 42 U.S.C. section 1997e(a). On December 16, 2013, Defendant Campbell moved to dismiss Plaintiff’s Complaint for failure to exhaust administrative remedies, as well as failure to state a viable claim under 42 U.S.C. section 1983. (Doc. #52).

The motions were fully briefed by the parties. On February 26, 2014, Magistrate Judge Paul J. Komives issued a Report and Recommendation on both motions, recommending that this Court deny the MDOC Defendants’ motion for summary judgment and grant Defendant Campbell’s

motion to dismiss.

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a matter by a Magistrate Judge must file objections to the R&R within fourteen (14) days after being served with a copy of the R&R. FED. R. CIV. P. 72(b)(2). “The district judge must determine *de novo* any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b)(3).

The time for filing objections to the R&R has expired and the docket reflects that neither party has filed objections to the R&R. Furthermore, the Court agrees with the Magistrate Judge’s recommendation. Therefore, the Court hereby ADOPTS the February 26, 2014 R&R. IT IS ORDERED that the MDOC Defendants’ Motion for Summary Judgment (Doc. #38) is DENIED, but Plaintiff’s claims against Gause are DISMISSED, and Defendant Campbell’s Motion to Dismiss (Doc. #52) is GRANTED.

**IT IS SO ORDERED.**

S/Sean F. Cox  
Sean F. Cox  
United States District Judge

Dated: March 19, 2014

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 19, 2014, by electronic and/or ordinary mail.

S/Jennifer McCoy  
Case Manager